

109TH CONGRESS
1ST SESSION

H. R. 1820

To amend the Illinois and Michigan Canal National Heritage Corridor Act of 1984 to help ensure the appropriate transition of the management entity of the heritage corridor, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2005

Mr. WELLER (for himself and Mrs. BIGGERT) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To amend the Illinois and Michigan Canal National Heritage Corridor Act of 1984 to help ensure the appropriate transition of the management entity of the heritage corridor, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Illinois and Michigan
5 Canal National Heritage Corridor Act Amendments of
6 2005”.

1 **SEC. 2. TRANSITION AND PROVISIONS FOR NEW MANAGE-**
2 **MENT ENTITY.**

3 The Illinois and Michigan Canal National Heritage
4 Corridor Act of 1984 (Public Law 98–398; 16 U.S.C. 461
5 note) is amended as follows:

6 (1) In section 103—

7 (A) in paragraph (8), by striking “and”;

8 (B) in paragraph (9), by striking the pe-
9 riod and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(10) the term ‘Association’ means the Canal
12 Corridor Association (an organization described
13 under section 501(c)(3) of the Internal Revenue
14 Code of 1986 and exempt from taxation under sec-
15 tion 501(a) of such Code).”.

16 (2) By adding at the end of section 112 the fol-
17 lowing new paragraph:

18 “(7) The Secretary shall enter into a memo-
19 randum of understanding with the Association to
20 help ensure appropriate transition of the manage-
21 ment entity to the Association and coordination with
22 the Association regarding that role.”.

23 (3) By adding at the end the following new sec-
24 tions:

1 **“SEC. 119. ASSOCIATION AS MANAGEMENT ENTITY.**

2 “Upon the termination of the Commission, the man-
3 agement entity for the corridor shall be the Association.

4 **“SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.**

5 “For purposes of preparing and implementing the
6 management plan developed under section 121, the Asso-
7 ciation may use Federal funds made available under this
8 title—

9 “(1) to make loans and grants to, and enter
10 into cooperative agreements with, States and their
11 political subdivisions, private organizations, or any
12 person;

13 “(2) to hire, train, and compensate staff; and

14 “(3) to enter into contracts for goods and serv-
15 ices.

16 **“SEC. 121. DUTIES OF THE ASSOCIATION.**

17 ““The Association shall—

18 “(1) develop and submit to the Secretary for
19 approval under section 123 a proposed management
20 plan for the corridor not later than 2 years after
21 Federal funds are made available for this purpose;

22 “(2) give priority to implementing actions set
23 forth in the management plan, including taking
24 steps to assist units of local government, regional
25 planning organizations, and other organizations—

26 “(A) in preserving the corridor;

1 “(B) in establishing and maintaining inter-
2 pretive exhibits in the corridor;

3 “(C) in developing recreational resources
4 in the corridor;

5 “(D) in increasing public awareness of and
6 appreciation for the natural, historical, and ar-
7 chitectural resources and sites in the corridor;
8 and

9 “(E) in facilitating the restoration of any
10 historic building relating to the themes of the
11 corridor;

12 “(3) encourage by appropriate means economic
13 viability in the corridor consistent with the goals of
14 the management plan;

15 “(4) consider the interests of diverse govern-
16 mental, business, and other groups within the cor-
17 ridor;

18 “(5) conduct public meetings at least quarterly
19 regarding the implementation of the management
20 plan;

21 “(6) submit substantial changes (including any
22 increase of more than 20 percent in the cost esti-
23 mates for implementation) to the management plan
24 to the Secretary; and

1 “(7) for any year in which Federal funds have
2 been received under this title—

3 “(A) submit an annual report to the Sec-
4 retary setting forth the Association’s accom-
5 plishments, expenses and income, and the iden-
6 tity of each entity to which any loans and
7 grants were made during the year for which the
8 report is made;

9 “(B) make available for audit all records
10 pertaining to the expenditure of such funds and
11 any matching funds; and

12 “(C) require, for all agreements author-
13 izing expenditure of Federal funds by other or-
14 ganizations, that the receiving organizations
15 make available for audit all records pertaining
16 to the expenditure of such funds.

17 **“SEC. 122. USE OF FEDERAL FUNDS.**

18 “(a) IN GENERAL.—The Association shall not use
19 Federal funds received under this title to acquire real
20 property or an interest in real property.

21 “(b) OTHER SOURCES.—Nothing in this title pre-
22 cludes the Association from using Federal funds from
23 other sources for authorized purposes.

1 **“SEC. 123. MANAGEMENT PLAN.**

2 “(a) PREPARATION OF MANAGEMENT PLAN.—Not
3 later than 2 years after the date that Federal funds are
4 made available for this purpose, the Association shall sub-
5 mit to the Secretary for approval a proposed management
6 plan that shall—

7 “(1) take into consideration State and local
8 plans and involve residents, local governments and
9 public agencies, and private organizations in the cor-
10 ridor;

11 “(2) present comprehensive recommendations
12 for the corridor’s conservation, funding, manage-
13 ment, and development;

14 “(3) include actions proposed to be undertaken
15 by units of government and nongovernmental and
16 private organizations to protect the resources of the
17 corridor;

18 “(4) specify the existing and potential sources
19 of funding to protect, manage, and develop the cor-
20 ridor; and

21 “(5) include—

22 “(A) identification of the geographic
23 boundaries of the corridor;

24 “(B) a brief description and map of the
25 corridor’s overall concept or vision that show

1 key sites, visitor facilities and attractions, and
2 physical linkages;

3 “(C) identification of overall goals and the
4 strategies and tasks intended to reach them,
5 and a realistic schedule for completing the
6 tasks;

7 “(D) a listing of the key resources and
8 themes of the corridor;

9 “(E) identification of parties proposed to
10 be responsible for carrying out the tasks;

11 “(F) a financial plan and other informa-
12 tion on costs and sources of funds;

13 “(G) a description of the public participa-
14 tion process used in developing the plan and a
15 proposal for public participation in the imple-
16 mentation of the management plan;

17 “(H) a mechanism and schedule for updat-
18 ing the plan based on actual progress;

19 “(I) a bibliography of documents used to
20 develop the management plan; and

21 “(J) a discussion of any other relevant
22 issues relating to the management plan.

23 “(b) DISQUALIFICATION FROM FUNDING.—If a pro-
24 posed management plan is not submitted to the Secretary
25 within 2 years after the date that Federal funds are made

1 available for this purpose, the Association shall be ineli-
2 gible to receive additional funds under this title until the
3 Secretary receives a proposed management plan from the
4 Association.

5 “(c) APPROVAL OF MANAGEMENT PLAN.—The Sec-
6 retary shall approve or disapprove a proposed manage-
7 ment plan submitted under this title not later than 180
8 days after receiving such proposed management plan. If
9 action is not taken by the Secretary within the time period
10 specified in the preceding sentence, the management plan
11 shall be deemed approved. The Secretary shall consult
12 with the local entities representing the diverse interests
13 of the corridor including governments, natural and historic
14 resource protection organizations, educational institutions,
15 businesses, recreational organizations, community resi-
16 dents, and private property owners prior to approving the
17 management plan. The Association shall conduct semi-an-
18 nual public meetings, workshops, and hearings to provide
19 adequate opportunity for the public and local and govern-
20 mental entities to review and to aid in the preparation and
21 implementation of the management plan.

22 “(d) EFFECT OF APPROVAL.—Upon the approval of
23 the management plan as provided in subsection (c), the
24 management plan shall supersede the conceptual plan con-
25 tained in the National Park Service report.

1 “(e) ACTION FOLLOWING DISAPPROVAL.—If the Sec-
2 retary disapproves a proposed management plan within
3 the time period specified in subsection (c), the Secretary
4 shall advise the Association in writing of the reasons for
5 the disapproval and shall make recommendations for revi-
6 sions to the proposed management plan.

7 “(f) APPROVAL OF AMENDMENTS.—The Secretary
8 shall review and approve all substantial amendments (in-
9 cluding any increase of more than 20 percent in the cost
10 estimates for implementation) to the management plan.
11 Funds made available under this title may not be ex-
12 pended to implement any changes made by a substantial
13 amendment until the Secretary approves that substantial
14 amendment.

15 **“SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE;**
16 **OTHER FEDERAL AGENCIES.**

17 “(a) TECHNICAL AND FINANCIAL ASSISTANCE.—
18 Upon the request of the Association, the Secretary may
19 provide technical assistance, on a reimbursable or non-
20 reimbursable basis, and financial assistance to the Asso-
21 ciation to develop and implement the management plan.
22 The Secretary is authorized to enter into cooperative
23 agreements with the Association and other public or pri-
24 vate entities for this purpose. In assisting the Association,

1 the Secretary shall give priority to actions that in general
2 assist in—

3 “(1) conserving the significant natural, historic,
4 cultural, and scenic resources of the corridor; and

5 “(2) providing educational, interpretive, and
6 recreational opportunities consistent with the pur-
7 poses of the corridor.

8 “(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any
9 Federal agency conducting or supporting activities directly
10 affecting the corridor shall—

11 “(1) consult with the Secretary and the Asso-
12 ciation with respect to such activities;

13 “(2) cooperate with the Secretary and the Asso-
14 ciation in carrying out their duties under this title;

15 “(3) to the maximum extent practicable, coordi-
16 nate such activities with the carrying out of such du-
17 ties; and

18 “(4) to the maximum extent practicable, con-
19 duct or support such activities in a manner which
20 the Association determines is not likely to have an
21 adverse effect on the corridor.

22 **“SEC. 125. AUTHORIZATION OF APPROPRIATIONS.**

23 “(a) IN GENERAL.—To carry out this title there is
24 authorized to be appropriated \$10,000,000, except that

1 not more than \$1,000,000 may be appropriated to carry
2 out this title for any fiscal year.

3 “(b) 50 PERCENT MATCH.—The Federal share of the
4 cost of activities carried out using any assistance or grant
5 under this title shall not exceed 50 percent of that cost.

6 **“SEC. 126. SUNSET.**

7 “The authority of the Secretary to provide assistance
8 under this title terminates on September 30, 2027.”.

9 **SEC. 3. PRIVATE PROPERTY PROTECTION.**

10 The Illinois and Michigan Canal National Heritage
11 Corridor Act of 1984 is further amended by adding after
12 section 126 (as added by section 2) the following new sec-
13 tions:

14 **“SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE**
15 **PROPERTY.**

16 “(a) NOTIFICATION AND CONSENT OF PROPERTY
17 OWNERS REQUIRED.—No privately owned property shall
18 be preserved, conserved, or promoted by the management
19 plan for the corridor until the owner of that private prop-
20 erty has been notified in writing by the Association and
21 has given written consent for such preservation, conserva-
22 tion, or promotion to the Association.

23 “(b) LANDOWNER WITHDRAW.—Any owner of pri-
24 vate property included within the boundary of the corridor,
25 and not notified under subsection (a), shall have their

1 property immediately removed from the boundary of the
2 corridor by submitting a written request to the Associa-
3 tion.

4 **“SEC. 128. PRIVATE PROPERTY PROTECTION.**

5 “(a) ACCESS TO PRIVATE PROPERTY.—Nothing in
6 this title shall be construed to—

7 “(1) require any private property owner to
8 allow public access (including Federal, State, or local
9 government access) to such private property; or

10 “(2) modify any provision of Federal, State, or
11 local law with regard to public access to or use of
12 private property.

13 “(b) LIABILITY.—Designation of the corridor shall
14 not be considered to create any liability, or to have any
15 effect on any liability under any other law, of any private
16 property owner with respect to any persons injured on
17 such private property.

18 “(c) RECOGNITION OF AUTHORITY TO CONTROL
19 LAND USE.—Nothing in this title shall be construed to
20 modify the authority of Federal, State, or local govern-
21 ments to regulate land use.

22 “(d) PARTICIPATION OF PRIVATE PROPERTY OWN-
23 ERS IN CORRIDOR.—Nothing in this title shall be con-
24 strued to require the owner of any private property located

1 within the boundaries of the corridor to participate in or
 2 be associated with the corridor.

3 “(e) EFFECT OF ESTABLISHMENT.—The boundaries
 4 designated for the corridor represent the area within
 5 which Federal funds appropriated for the purpose of this
 6 title may be expended. The establishment of the corridor
 7 and its boundaries shall not be construed to provide any
 8 nonexisting regulatory authority on land use within the
 9 corridor or its viewshed by the Secretary, the National
 10 Park Service, or the Association.”.

11 **SEC. 4. TECHNICAL AMENDMENTS.**

12 Section 116 of Illinois and Michigan Canal National
 13 Heritage Corridor Act of 1984 is amended—

14 (1) by striking subsection (b); and

15 (2) in subsection (a)—

16 (A) by striking “(a)” and all that follows
 17 through “For each” and inserting “(a) For
 18 each”;

19 (B) by striking “Commission” and insert-
 20 ing “Association”;

21 (C) by striking “Commission’s” and insert-
 22 ing “Association’s”;

23 (D) by redesignating paragraph (2) as sub-
 24 section (b); and

- 1 (E) by redesignating subparagraphs (A)
- 2 and (B) as paragraphs (1) and (2), respectively.

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